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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/656,440      | 09/06/2000  | Katsuaki Tajima      | 48864-030           | 9740             |

7590 11/12/2008  
McDermott Will & Emery  
600 13th Street NW  
Washington, DC 20005-3096

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| EXAMINER |
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PHAM, THIERRY L

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2625

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| MAIL DATE | DELIVERY MODE |
|-----------|---------------|

11/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/656,440 | <b>Applicant(s)</b><br>TAJIMA ET AL. |  |
|                              | <b>Examiner</b><br>THIERRY L. PHAM   | <b>Art Unit</b><br>2625              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5,6 and 11-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5,6 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 2625

### **DETAILED ACTION**

- This action is responsive to the following communication: RCE filed on 7/25/2008.
- Claims 1, 5-6, 11-13 are currently pending; claims 2-4 & 7-10 have been canceled.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/25/2008 has been entered.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 5-6, 11-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "processed data" in line 13. There is insufficient antecedent basis for this limitation in the claim.

Claim 12 recites the limitation "processed data" in line 9. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "image processing" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Art Unit: 2625

Claims 5-6, 11, and 13 are dependent upon rejected claims, therefore, are rejected on the same basis.

### ***Response to Arguments***

Applicant's arguments, see pages 5-7, filed 7/25/2008, with respect to claims 1 & 12 have been fully considered and are persuasive. The prior arts rejection of claims 1 & 12 under U.S.C. 103(a) has been withdrawn.

### ***Allowable Subject Matter***

Claims 1, 5-6, 11-13 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

The following is an examiner's statement of reasons for allowance: The cited prior arts (US 5884120 to Ito et al; US 5627995) of record teach a method of determining whether an entire image data is within reproduction range, however, the prior arts fail to teach and/or suggest "a determiner for determining whether or not image data on each page are within a color reproduction range of the output device, wherein the determining determines a number of results equal to the number of the plural pages" and in combinations of other feature as cited in independent claims 1 & 12.

### ***Proposed Examiner's Amendment***

A telephone call was made to Mr. Micahel Fogarty dated 10/27/2008 requesting an approval to proposed changes to claims 1, 12-13 to overcome the 112, second paragraph issues as addressed above. However, the applicants have not response to the proposed changes. The following changes that were proposed to Mr. Fogarty are shown below:

Art Unit: 2625

1. (Proposed Amendment) An image processing apparatus for processing plural pages of a job to be give to an output device, each page of the plural pages having a predetermined number of sections of standard color space, the image processing apparatus comprising:

a memory for memorizing all of the plural pages of the job;

a determiner for determining whether or not image data on said each page are within a color reproduction range of the output device, wherein the determining determines a number of results equal to the number of the plural pages;

a decision controller for deciding parameters to be used for color correction for the job basis based on the results; and

a color compressing controller for compressing uniformly all of said plural pages using the same parameters which are decided for the job basis so as to supply the ~~processed data~~ compressed plural pages to the output device.

12. (Proposed Amendment) A method for processing plural pages of a job to be given to an output device, the method comprising:

providing a memory for memorizing all of the plural pages of the job;

determining whether or not image data on said each page are within a color reproduction range of the output device, wherein the determining determines a number of results equal to the number of the plural pages; and

deciding parameters to be used for color correction for the job based on the results; and

compressing uniformly all of said plural pages using the same parameters which are decided for the job so as to supply the ~~processed data~~ compressed plural pages to the output device.

13. (Proposed Amendment) The ~~image processing~~ method according to claim 12, wherein the deciding step is performed for each section of standard color space, and the compressing step performs the color compression uniformly for each section of standard color space.

Art Unit: 2625

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to THIERRY L. PHAM whose telephone number is (571)272-7439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thierry L Pham/

Art Unit 2625

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| <div><b><i>Application Number</i></b></div> <div></div> | <b>Application/Control No.</b> | <b>Applicant(s)/Patent under Reexamination</b> |  |
|  | 09/656,440                     | TAJIMA ET AL.                                  |  |
|  | <b>Examiner</b>                | <b>Art Unit</b>                                |  |
|  | THIERRY L. PHAM                | 2625   |  |